

Message

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**From:** Shiffman, Cari [Shiffman.Cari@epa.gov]  
**Sent:** 1/25/2021 8:58:46 PM  
**To:** Johnson, Kathleen [Johnson.Kathleen@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]  
**CC:** Branning, Hannah [Branning.Hannah@epa.gov]; LaBoda, Sarah [LaBoda.Sarah@epa.gov]  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement  
**Attachments:** Implementing Section 6 of Executive Order 13892; Executive Order 13892 Section 6 Implementation Memorandum ;  
Implementing Section 6 of Executive Order 13892; FW: Executive Order 13892 Section 6 Implementation  
Memorandum

Got it. Okay I have attached:

- 1) Susan's email distributing the Sept. 2020 memo
- 2) Larry's memo relaying message to DRAs
- 3) Susan's email to the other NPMs for "us also" memos
  - a. OLEM's subsequent memo
  - b. I do not have a copy of OW's memo – but could track it down if needed
  - c. I am presuming then OAR never sent one

Thanks,

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Mobile: (202) 823-3277

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**From:** Johnson, Kathleen <Johnson.Kathleen@epa.gov>  
**Sent:** Monday, January 25, 2021 3:53 PM  
**To:** Shiffman, Cari <Shiffman.Cari@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>  
**Cc:** Branning, Hannah <Branning.Hannah@epa.gov>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

This EO has not been revoked. But we have a "replacement" version in the works that we can get to Larry by end of week.

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Cell phone 415-640-5476  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

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**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Sent:** Monday, January 25, 2021 3:52 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

And what about the November memo on EO 13924?

Thanks,

Cari Shiffman, Chief of Staff

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Office of Enforcement and Compliance Assurance  
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**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Sent:** Monday, January 25, 2021 3:50 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

What about the program offices that sent out memos?

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
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**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Sent:** Monday, January 25, 2021 3:48 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

It's been sent to OGC for signature.

Thanks,

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Mobile: (202) 823-3277

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**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Sent:** Monday, January 25, 2021 3:05 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

I can't imagine they need to see it again. I suggest just finalize and sign and send it over to OGC.

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Cell phone 415-640-5476  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

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**From:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Sent:** Monday, January 25, 2021 3:03 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>

**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>

**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

Should we finalize and have me sign, or do we first need to share with OGC again?

Larry

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**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>

**Sent:** Monday, January 25, 2021 2:54 PM

**To:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>

**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>

**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

Thank Cari, looks good. Thanks for looking up the EO number.

Kathleen H. Johnson

Senior Policy Advisor

Office of Enforcement and Compliance Assurance

Cell phone 415-640-5476

[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

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**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>

**Sent:** Monday, January 25, 2021 2:37 PM

**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>

**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>

**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

Made one more tweak.

Thanks,

Cari Shiffman, Chief of Staff

U.S. Environmental Protection Agency

Office of Enforcement and Compliance Assurance

Office: (202) 564-2898 | Mobile: (202) 823-3277

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**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>

**Sent:** Monday, January 25, 2021 2:26 PM

**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>

**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>

**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

I made changes now that the EO has a number and has been published in the FR – I think it makes it easier to understand which EO we are talking about - <https://www.federalregister.gov/documents/2021/01/25/2021-01767/revocation-of-certain-executive-orders-concerning-federal-regulation>. Let me know what you think.

Thanks,

Cari Shiffman, Chief of Staff

U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Mobile: (202) 823-3277

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**From:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Sent:** Monday, January 25, 2021 2:14 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Cc:** Branning, Hannah <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

Should we have OGC sign first? Presumably Larry will be the one to distribute to the Regions.

Thanks,

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Mobile: (202) 823-3277

---

**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Sent:** Monday, January 25, 2021 1:58 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

I'll alert Andy to that minor change. Cari – can you go ahead and set this up for signatures? Thank you!

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Cell phone 415-640-5476  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Sent:** Monday, January 25, 2021 1:48 PM  
**To:** Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

Sounds good to me.

---

**From:** Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Sent:** Monday, January 25, 2021 1:41 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

I am suggesting one edit – changing the language in the penultimate sentence from “the fair and efficient enforcement for the protection of human health and the environment under EPA’s environmental statutes” to “the fair and efficient enforcement of the laws designed to protect human health and the environment.”

Rosemarie

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**From:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Sent:** Monday, January 25, 2021 1:24 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

I agree. Unless Rosemarie has other comments, let's put in final.

Larry

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**From:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>  
**Sent:** Monday, January 25, 2021 1:06 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Cc:** Shiffman, Cari <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Subject:** FW: Revocation of an OECA/OGC memo on enforcement

I talked to Andy. Lets delete "in any event" and from my perspective this is ready for Cari to put in formal form for signature.

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Cell phone 415-640-5476  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Johnson, Kathleen  
**Sent:** Monday, January 25, 2021 12:16 PM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

My thoughts

Kathleen H. Johnson  
Senior Policy Advisor  
Office of Enforcement and Compliance Assurance  
Cell phone 415-640-5476  
[Johnson.kathleen@epa.gov](mailto:Johnson.kathleen@epa.gov)

---

**From:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Sent:** Monday, January 25, 2021 12:14 PM  
**To:** Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Subject:** FW: Revocation of an OECA/OGC memo on enforcement

Kathleen and Rosemarie,

I'm good with these changes, if the characterizations are correct. Please check with the team and let me know. Thanks.

Larry

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**From:** Simons, Andrew <[Simons.Andrew@epa.gov](mailto:Simons.Andrew@epa.gov)>  
**Sent:** Monday, January 25, 2021 10:45 AM  
**To:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Hoffer, Melissa <[Hoffer.Melissa@epa.gov](mailto:Hoffer.Melissa@epa.gov)>  
**Cc:** Payne, James (Jim) <[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Subject:** RE: Revocation of an OECA/OGC memo on enforcement

Larry:

This looks good. We did have some suggestions/slight revisions for you and your team to consider. Thanks again for your attention to this and it seems like we should be able to close this out quickly.

Andrew Simons  
Acting Associate General Counsel  
Cross-Cutting Issues Law Office  
U.S. Environmental Protection Agency  
Tel. 202-564-3649  
WJC-N 7526E

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**From:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Sent:** Friday, January 22, 2021 6:58 PM  
**To:** Hoffer, Melissa <[Hoffer.Melissa@epa.gov](mailto:Hoffer.Melissa@epa.gov)>  
**Cc:** Payne, James (Jim) <[payne.james@epa.gov](mailto:payne.james@epa.gov)>; Simons, Andrew <[Simons.Andrew@epa.gov](mailto:Simons.Andrew@epa.gov)>; Johnson, Kathleen <[Johnson.Kathleen@epa.gov](mailto:Johnson.Kathleen@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>  
**Subject:** Revocation of an OECA/OGC memo on enforcement

Melissa,

On January 20<sup>th</sup>, President Biden issued an Executive Order (EO) on *Revocation of Certain Executive Orders Concerning Federal Regulations*. That EO specifically revokes an executive order (no. 13892) issued by the Trump Administration, entitled *Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication*. President Biden's EO further states that the heads of agencies shall "promptly take steps to rescind any orders, rules, regulations, guidelines or policies" implementing that order.

In conformance with that direction, I would like to quickly revoke the September 2020 memorandum issued by former OECA Assistant Administrator Susan Bodine and former General Counsel Matthew Leopold (AA/GC memo), implementing Section 6 of Trump Executive Order 13892. The Trump EO, and the ensuing AA/GC memo, provided that agencies engaged in an administrative enforcement action should afford regulated parties certain procedural safeguards above and beyond those required by law. Although the practice of the enforcement program is to provide many of the procedural steps spelled out in the AA/GC memorandum, that memo raised numerous implementation issues for enforcement that have slowed our enforcement efforts; we believe the procedures required in the AA/GC memo are unwarranted and unnecessary.

Because memo on EO 13892 Section 6 was jointly issued by the Assistant Administrator for OECA and the General Counsel, I would propose that we issue a revocation memo jointly. Attached is a suggested version for your review (Andy Simons, on your staff, is very familiar with the Section 6 memo).

If you have any questions, or would like to set up some time to discuss this matter, please contact me or Kathleen Johnson of my staff.

Thank you.

Larry

Larry Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance  
(202) 505-0961 (cell)

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Thank you.